

# OHV (Off Highway Vehicles) Training Options – Justification and Recommendation

October 8, 2010 – Chris Baker, Merri Walker and Tom Skinner

**Summary/Recommendation:** The Director of the Office of Law enforcement and his staff have examined a number of different approaches to deliver a recreation vehicle safety and responsibility course. The recommendation is to go with a hybrid approach that can meet the letter of the law but has the least cost to the Commonwealth. This may include entering into a Memorandum Of Understanding with an established national provider that has a proven track record delivering on-line safety training. It would also allow consideration of ASI, MSF and OHV Clubs that are certified by MEP, to deliver “live” training in lieu of web based training, based upon consumer choice. All of this training would be at minimum cost to the Commonwealth, in the form of providing state specific course materials to the recognized Commonwealth providers and the development of a student database. The final certification (OHV safety certificate) would be delivered by MEP and would include “live” training with a parent or legal guardian of an operator under 16 year of age and a final exam proctored by MEP or a MEP recognized instructor. The cost of this “final” training is to be determined based upon required content.

## Regulation:

- **CHAPTER 202** AN ACT REGULATING THE USE OF OFF-HIGHWAY AND RECREATION VEHICLES. (see Senate, No. 2257) Approved by the Governor, July 31, 2010  
**SECTION 7.** Said chapter 90B is hereby further amended by striking out section 21, as so appearing, and inserting in place thereof the following section:-

Section 21. No person under 18 years of age shall operate a recreation vehicle unless he has successfully completed a recreation vehicle safety and responsibility course approved by the director of environmental law enforcement. Such course shall include, but shall not be limited to, notification of the potential criminal penalties and forfeiture process for certain violations of law relative to the safe operation of recreation vehicles. A parent or legal guardian of an operator of a recreation vehicle under 16 years of age shall participate in at least 1 session of the recreation vehicle safety and responsibility course or as required by the director. Proof of the successful completion of the course shall be carried on the person of the operator while operating a recreation vehicle. Proof of an operator's successful completion of another state's equivalent recreation vehicle safety and responsibility course, as determined by the director, shall be valid in the commonwealth.

## Training Options studied:

### Option 1 – EEA/IT builds the solution

**Background:** Build the on-line training course in-house (EEA/IT) and manage the entire process from start to finish. This would include a registration module for signing up to take the training. It would then include the different safety training modules for OHV riders under the age of 18. A safety license (certification that student passed the course) would need to be printed so that it can be carried while driving an OHV. Lastly, the successful participant's data would need to be accessible by law enforcement officers in the event the rider was pulled over for questioning. This would be similar to the dispatch process in place today.

**Advantages** – EEA would be able to manage the entire process without outside influence or demands to another vendor's schedule.

**Disadvantages** – EEA/IT would need to take resources from another project to work on this new project. The timeframe is too tight to complete this work by the Feb 1, 2011 deadline. It is not clear if there is adequate hardware in place to support the final solution. If an outside resource (Vendor) was procured then time would be needed to get them familiar with EEA/IT's environment and standards. There would also be a cost associated with bringing a Vendor on board.

**Cost:** \$0 assuming EEA/IT Staff would be used exclusively on the project and no additional HW/SW is required.

If Vendor is hired to supplement development, then work could be between \$200k and \$357k.

**Timeframe:** 4-6 months of effort to complete project. The Feb 1, 2011 deadline would more than likely NOT be met.

### Option 2 – Create Memorandum of Understanding with ATV Safety Institute (ASI) or Motorcycle Safety Foundation (MSF)/ Dirt Bike school

**Background:** ASI and MSF are nationally recognized providers of rider interactive programs that promote safe riding skills and are able to incorporate state specific regulations into their programs. The programs are offered through ATV or Off Road Vehicle dealers and/or by profit vendors at various locations throughout Massachusetts. EEA could recognize these providers as certified OHV Safety Course providers with the MOU. ASI & MSF certificates would be recognized by law enforcement as meeting the mandate as established by MGL CH 90B sec 21.

MSF course info: <http://www.dirtbikeschool.com> or [www.planetdirt.com](http://www.planetdirt.com)

ASI Course info: <https://online.svia.org/training/Enroll/>

**Advantages-** Either course is rider interactive. These are hands-on, where the rider operates the machine for the majority of the class. No cost to create the MOU. Cost to participate in the programs would be consumer based. Current rates for ASI are dependent upon consumer investment of a new ATV from recognized manufactures. First time purchasers of a new ATV are offered the course via the dealer at no cost. The free course is limited to a single operator of the ATV.

MSF courses are offered to the public by various for profit vendors. Courses are currently available at two or three locations in Massachusetts.

**Disadvantages-** Cost to consumer. For example, if Dad buys a 350cc ATV, then he is entitled to the free course as the owner of record. If Dad wanted to take his 14 year old son/daughter along in addition, there would be a fee of \$55.00 for the child under 16 years of age. However, since the child is under 16 years of age, the new law prohibits the child from operating the 350cc ATV. Dealers or providers may have smaller loaner ATV's available on a limited basis. ASI Cost for operators over 16 years of age is \$155.00 per student.

The MSF Dirt Bike School is also a consumer based product. The cost according to a local vendor, Planet Dirt, would be prorated on the number of students that sign up per session. Each session is limited to a maximum number of 8 students, 6 students if the students are under 14 years of age. Current pricing allows for 1 student to be charged \$249.00 or as low as \$139.00 per student for a group of 8.

The state of California currently uses ASI and MSF as there providers of the state required OHV program.

The student's cost to participate in the program is paid for by the state's OHV fund. The fund is comprised of monies generated by portions of the state fuel tax, registration fees and sticker fees to access state specific sites.

An additional disadvantage is that there is no current ASI or MSF course available for the new category of Utility type recreational vehicles.

EEA/ MEP would have to rely on the vendors to ensure that the parent participate in at least 1 session as mandated by MGL 90B sec. 21.

**Costs-** If the consumer chooses this option, the cost would be free with the purchase of a new **ATV** as mandated by the consumer protection act in 2008.

IF EEA mandates this option, the cost to the fund would be based upon how much of the fee would be absorbed by the state or passed on to the consumer.

#### **Time Frame for delivery of services-**

ASI is in business right now signing students up for classes, as is MSF.

Should EEA want to qualify ASI and or MSF instructors by having them participate in state specific regulations (highly recommended) this could be done in about 3-6 months based upon officer and instructor availability.

In addition, the state should develop operator handouts for registration offices, dealers and other various outlets including local police departments as a means to inform the public as to the available option and or requirements. (See option 4 / guides)

### **Option 3- EEA procures an on-line OHV Safety program through a nationally recognized vendor**

**Background-** Nationally recognized vendors supply OHV education materials via an on-line consumer based program. In addition, vendors would be able to provide an OHV state operator specific guide and/or classroom materials. The majority of states which have mandated OHV and/or snow machine safety courses have developed effective course content with a vendor.

There are two vendors that have been in contact with MEP.

<http://www.offroad-ed.com>

Fresh Air Educators Inc., contact Kerry Moher at 877 722 8838 ex 222

**Advantages-** This format would be similar to other states in our geographical area; thus, making it more recognizable to other jurisdictions for reciprocal agreements. The cost could be assumed by the consumer for the on-line portion. The vendor will include specific state materials at no or reduced costs as part of the MOU. This will lower the “printed” cost significantly or eliminate them all together.

The internet is generally more accepted as a learning environment to the age group for whom this mandate is intended for. The vendors have programs that are “timed” to insure students invest their time in the content, quizzes, and interactive exercises. The training is professionally narrated and geared to a younger audience. An on-line exam would be given at the end of the course. The vendors would provide the data, of students who passed, to the Commonwealth.

The Commonwealth can provide state specific content to the existing training modules.

Parents or legal guardians can be required to provide specific information (name, DOB, SS#) to insure their participation in at least 1 session as required by MGL c.90B, s.21.

MEP has worked with vendors for the current MA Boat Safety program and finds this delivery method to be very effective.

**Disadvantages-** There will be a cost to the consumer for the on-line segment; this may be absorbed by the “OHV Fund” or collected directly by the vendor for their services.

**Costs-** Students can access on-line materials for approximately \$29.00 at no cost to the state. The state may want to absorb costs and provide additional materials for handouts by dealers, registration offices and local police officers. The cost for the on-line program and handout materials may be rolled into the on-line costs assumed by the consumer or material costs and on-line costs can be assumed by the fund.

**Time Frame for delivery of services-** The vendors listed have the on-line programs underway currently. EEA would have to provide state content. This could be done within 30 days. The MOU or RFR would be determined by which process is selected. Based upon past experience with either vendor, they would be ready when we are.

#### **Option 4- EEA through MEP offers and/or oversees a classroom like setting and/or rider interactive program for ATV/OHV Safety Education.**

**Background-** MEP has been providing a similar type service in the Boat Safety Education program. The current Boat Safety program consists of an 8 hour classroom setting with materials provided to the students at no cost to the student. It should be noted that MEP receives a federal grant administered by the US Coast Guard and Boat Safety education, printed study materials must be provided as a condition of the grant. The classroom locations are usually public facilities secured by the instructors who are recognized providers (meeting the criteria requirements; such as a USCG Auxiliary, US Power Squadron or vetted by the MEP Civilian Education Coordinator after a background investigation by MEP investigators). The delivery of course content is by a power point program or DVD which is supplied by outside vendors as an included cost of the handout materials. The handout materials consist of both student manual and a boater's guide. The civilian instructors are volunteers and are overseen by the Sergeants in the Boat & Recreation Vehicle Safety Bureau and the Civilian Coordinator.

The majority of Boat Safety classes are taught or participated in by regional MEP officers. The courses are conducted throughout the Commonwealth, generally from January through June of each year.

This would be a similar format for the OHV education program. MEP Officers would initially instruct the classes until civilian instructors were developed to assist.

The rider interactive program would be an extension of the existing service that is currently provided to local police departments by MEP's four (4) ASI certified instructors.

Recognized ASI certified instructors provide courses as consumers are allowed to choose either option.

**Advantages-** EEA, through MEP, would be the primary course provider, insuring the participation of students and parents/ guardians. EEA would develop and maintain a database of students. The database would be available to officers in the field to insure compliance with MGL c.90B, s.21. MEP already has an RFR with a recognized provider for similar type course materials.

**Disadvantages-** EEA, through MEP, would be the primary course provider. Current staffing levels would initially create significant conflict with a federally mandated and state required Boat Safety curriculum. Development of civilian instructors will take a significant amount of time and resources by the Boat & Recreation Vehicle bureau at current staffing levels.

The development of the course materials may take approximately 2 months from initial onset of the RFR or similar means being approved.

Rider interactive curriculum taught by MEP officers would require significant re-tooling of current departmental education policies and procedures. Availability of certified ASI MEP officers throughout the state is limited and additional officers would be required to become certified. Course locations would have to be developed and maintained by the state with a storage facility for related course equipment. Course related equipment would consist of the purchase of several additional ATV's for certified instructors.

There is no current rider interactive course for UTV's nor does MEP have any certified MSF instructors.

**Costs-** Course material cost for the classroom segments can be compared to the current Boat Safety Course material costs.

Example, a recent order for: Boat Safety students manuals	5, 000 (66 pages)	\$ 8,350.00
Boat Safety Guides	20,000 (84 pages)	\$ 12,000.00
Shipping		\$ 945.00
Total		\$ 21,295.00